

APPEAL NO. 040499  
FILED APRIL 22, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 3, 2004. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_. The appellant (employer) appeals, contending that the evidence is insufficient to support the hearing officer's decision. No response was received from the claimant.

DECISION

Affirmed.

The claimant claimed that he was injured during a robbery of the store he worked at. After the employer's workers' compensation insurance carrier accepted liability, the employer contested compensability under Section 409.011(b)(4). The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10). Conflicting evidence was presented on the disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's determination that the claimant sustained a compensable injury is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W. 2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT  
221 W. 6TH STREET  
AUSTIN, TEXAS 78701.**

---

Robert W. Potts  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Veronica L. Ruberto  
Appeals Judge